

President.—It is noted.

43. Mr. K. T. Mathew.—Will the Government be pleased to state:—

(a) how many months have elapsed after the appointment of the Excise Committee ;

(b) the number of meetings the Committee had after its creation and for how long each time the Committee sat ;

(c) whether the minutes of the meetings of the Committee be placed on the table ;

(d) whether it has agreed upon at its meeting that the next meeting should be held in the month of Kanni ; and, if so,

(e) whether the Convener (Excise Superintendent) arranged for holding the meeting in that month : and, if not,

(f) why it was not so held ;

(g) whether the Convener informed the members of the Committee that the meeting could not be held in that month, and if the answer is in the affirmative, whether a copy of the communication sent to the members of the Committee be placed on the table ;

(h) whether at the second meeting of the Committee it was resolved that the ' next meeting of the Committee shall be held on some (day) towards the close of Kumbham' ;

(i) whether a meeting of the Committee was held at that time ;

(j) why it was not held ;

(k) how many months elapsed before another meeting was held ?

Mr. V. B. Vaidyanatha Ayyar.—(a) Sixteen (16).

(b) Two meetings, each of one day's sitting.

(c) Copies of the minutes are appended (*Vide Appendix IV.*)

(d) to (f). *Vide* answer to question No. 309 (b) of the legislative session of 1102.

(g) *Vide* answers to supplementary questions to question No. 309 (b) referred to above.

(h) Yes.

(i) No.

(j) Because the draft report, which was to be prepared by the President, could not be prepared before the end of Kumbham as he was not well.

(k) Another meeting has not been held as yet.

Mr. K. T. Mathew.—(b) Why was it that so very few meetings were held, in spite of the instructions issued by the Diwan's Proceedings appointing the Committee. Two meetings in the course of a year and a half !

President.—The question is why so very few meetings were held?

Mr. V. B. Vaidyanatha Ayyar.—The Excise Committee was formed according to the Diwan's Proceedings, dated 14th Edavam 1101. The first meeting was held on 9th Kanni 1102. It was resolved in that meeting that the convener should be entrusted to prepare a memorandum which was to form the basis of the report to be submitted to Government, and it was also resolved that the next meeting should be held in Kanni. Since the subject was new, and several books and reports had to be studied before the memorandum could be prepared, I took about 2½ months to prepare the memorandum. Copies of the memorandum were sent about the 9th of Kanni to all the members along with certain books and reports. The members took a tolerably good time for perusing the memorandum and studying the reports. So the second meeting could be held only on 4th Makaram 1102, and then it was resolved in that meeting that a draft of the report to be submitted to Government be prepared and circulated among the members. Accordingly, the task of preparing the draft report was taken up. It was over only about the 9th Meenam 1102. Then it had to be circulated among the members, and then the final meeting was held on the 27th of last month. Of course, this question was answered before the 27th of Mithunam, and so it is said that only two meetings were held. It will thus be clear that there was no necessity to convene more than two or three meetings; that is why no more meetings were held.

President.—You could have saved all this lengthy explanation by saying that it was not found necessary to hold more than two meetings.

Mr. K. T. Mathew.—Why was not a meeting held in Kanni as was decided by the Committee?

Mr. V. B. Vaidyanatha Ayyar.—The answer is "Vide answer to question No. 309 (6) of the last legislative session".

Mr. K. T. Mathew.—Has the Convener got the authority to set aside the decision of the Committee?

President.—That is a matter of opinion.

Mr. K. T. Mathew.—I want the answer from the Excise Member.

President.—It is a matter of opinion, and I cannot allow a question on a matter of opinion.

Mr. K. T. Mathew.—(g). I want a copy of that letter to be placed on the table.

Mr. V. B. Vaidyanatha Ayyar.—It was answered once. What is the supplementary question that I am asked to answer now?

Mr. K. T. Mathew.—Whether a copy of the communication will be placed on the table?

Mr. V. B. Vaidyanatha Ayyar.—Is it a supplementary question, Sir? It is a fact. Whether a copy of the petition has been printed and placed on the table—that is a fact.

President.—He put a question whether a certain paper be printed and placed on the table. That is a supplementary question.

Mr. V. B. Vaidyanatha Ayyar.—A copy of the petition was placed on the table.

Mr. K. T. Mathew.—My question has not been answered. Whether it has been printed and placed on the table or not is the answer I require.

Mr. V. B. Vaidyanatha Ayyar.—Question No. 309 of the last legislative session also contains all the questions now asked. The answer then given was "Government did not think it necessary to call for the papers to be placed on the table". A definite answer was given, that papers cannot be placed on the table. That is why I preferred to give this answer.

President.—You say that the same question is repeated. But a question once answered cannot be asked again. That is the rule.

Mr. V. B. Vaidyanatha Ayyar.—Most of these questions were once answered.

President.—Then the President should not have allowed these questions.

Mr. V. B. Vaidyanatha Ayyar.—I pointed out that fact in my answer to these questions.

Dr. A. G. Menon.—I think the rule is that questions answered in one session cannot be asked in the same session. This question was asked in the last legislative session, but that session is over.

President.—What is the use of putting a question once answered? What is your opinion, Mr. Salem? The rule governing this matter is Rule 8 (g).

Mr. A. B. Salem.—My opinion is it cannot be asked.

Mr. T. K. Krishna Menon.—Rule 8 (g) says that questions once asked cannot be asked again.

President.—Yes. Sometimes that difficulty arises. The Legislative Council Office submits these questions to the President. I allow these questions. When they are sent to Government for preparing the answers, they sometimes point out that the President was wrong in allowing such questions, because they were answered once, or that they should not have been admitted for other reasons.

Diwan Bahadur Dr. V. Verghese.—There have been cases like that.

Dr. A. G. Menon.—If the rule is to be strictly observed, some difficulty may arise. For instance, I asked about the placing of the report of the Excise Committee. It was not submitted. Can I not put a question again to have it placed on the table?

President.—Since the question was not answered, it can be asked again.

Dr. A. G. Menon.—But, Sir, the question was once answered. So, if the rule is to be strictly adhered to, I cannot ask that question again.

President.—But then, you can say that your question was not fully answered. It is not a full answer to the question, and so you have a right to put the question again, and see that the report is placed on the table. You can say that your question is an exception to the rule.

Mr. C. A. Ouseph.—It is obviously a question to be repeated, Sir.

President.—So I say the rules under such circumstances allow a question to be put again.

Diwan Bahadur Dr. V. Verghese.—Rule 8 (g) clearly says "a question once fully answered cannot be asked again." It was not a full answer, and so he can put that question again.

Mr. A. B. Salem.—It was only a partial answer, Sir.

President.—Because, when you put the question, it was not ready, you are now entitled to know whether, at a subsequent time, it has become ready. You are entitled to repeat your question.

Dr. A. G. Menon.—But, Sir, my question would be repetition.

President.—Here the point is whether a question once answered during a session can be repeated at a subsequent session. I think some safeguard should be made to know whether a question on the same subject has been once answered or not. When these questions are sent to the Government for preparing the answers, they sometimes refer back the question to the President through the Council Secretary, stating that that question was once answered. The President then reconsiders the matter, and disallows such questions. I suppose the Secretary also will look into this matter.

Mr. K. T. Mathew.—Is it so confidential that it could not be communicated to this House?

Mr. V. B. Vaidyanatha Ayyar.—Government did not think it necessary; not because it was confidential or on any other grounds.

Mr. K. T. Mathew.—May I know what reason lead the Government to think so?

Mr. V. B. Vaidyanatha Ayyar.—The reason was it was not necessary to consider.

President.—The question asked is what reason induced the Government not to place the scheme on the table?

Mr. V. B. Vaidyanatha Ayyar.—He is a member of the Committee. He knows all these. Then what is the use of again asking it?

Mr. K. T. Mathew.—I want to expose what the Committee is doing. I want others, the Members of this House, should also know it.

Mr. V. B. Vaidyanatha Ayyar.—That is why we did not print it and place it on the table. (*Laughter.*)

President.—It is one thing that a Member knows personally all about the matter. When, in respect of that, questions are asked, it is quite a different thing. It is with the intention of bringing it to the notice of the Members of this Council. (*Hear, hear.*)

Mr. V. B. Vaidyanatha Ayyar.—Sir, I am only repeating the answer once given to the question by the Government.

President.—He is a Member of the Committee, and it may be that he knows a good deal about its working. But he wants to bring to the notice of this House, how the Committee has been doing its work. We cannot say that he has not got the right to do so.

Mr. V. B. Vaidyanatha Ayyar.—“What further action was taken must be known to the Member, since he is a Member of the Excise Committee. As such, the Government do not think it necessary to place it on the table”. I only refer to the answer once given to the question. I do not mean anything else.

Mr. K. T. Mathew.—Any Member of this House has a right to know about the working of the Excise Committee.

President.—You have got every right, and you are also entitled to make it public. You are perfectly right to use your knowledge for the benefit of the Members of this House. It is for that purpose you have put this question. (*Hear, hear.*)

Mr. K. T. Mathew.—May I know whether the Diwan has ordered that the contents of these papers should not be let known to this House?

President.—We are to carry on our fight in the Council. There must be a state of preparedness on our part. Whether these papers should not be placed on the table, whether the Diwan's orders, official or otherwise, were like that, you might

say. If the Diwan's orders were confidential, you might say you cannot disclose.

Dr. A. G. Menon.—Does not "the Government" mean "the Diwan"?

President.—But I view the matter differently. The Diwan is identified with the Heads of Departments. Those who have been actually in touch with the administration and those who have any knowledge of the administrative work—they alone fully know what the Government is. For those who have not any experience in administrative matters, it may be difficult to comprehend what the abstract name "Government" means. We all know that it cannot be explained in precise terms.

Well, of course, we cannot afford to spend time like this.

Mr. V. B. Vaidyanatha Ayyar.—What is the information the Member wants?

President.—'Was it under the Diwan's orders that this paper was not placed on the table,' is the question.

Mr. V. B. Vaidyanatha Ayyar. Yes.

President.—Is it under the orders of the Government?

Mr. V. B. Vaidyanatha Ayyar.—Yes, Sir. This is the answer given to an identical question on a previous occasion. "The Government do not think it necessary to place it on the table".

President.—That is the Government view.

Mr. K. T. Mathew.—May I know the contents of the letter, so that the Members of this House may be informed of that?

President.—The Government have given the answer that the Government did not think it necessary to place it on the table. So I think your question does not arise.

Mr. K. T. Mathew.—Is there a Diwan's Proceedings to the effect in this matter?

President.—There is a Diwan's order.

Mr. K. T. Mathew.—May I see the order or will the Hon'ble Member be pleased to read the order in Council?

President.—The Diwan's orders are sometimes in the form of Proceedings, sometimes in the form of notes, and in this case no Proceedings were issued.

Mr. K. T. Mathew.—At least an order should be sent to the Member that it should not be placed on the table.

President.—He is only the mouthpiece of the Government. We only put the answer in his mouth, and so what he says is under the orders of the Government. Do you follow me?

Mr. K. T. Mathew.—Yes, Sir.

President.—All the officers together form the Government, and the Government has got representatives here to give the answer the Government chooses to give. Government prepare particular answers, and they are here to give these answers in Council. But when supplementary questions arise, they have to rise and answer.

Mr. K. T. Mathew.—Now, it was told that there are notes written by the Diwan and sent to the departments. I ask whether the copies of those notes will be placed on the table?

President.—There may be notes, but those notes are confidential.

Mr. K. T. Mathew.—Are there notes then?

President.—There may or may not be. They are confidential.

Mr. K. T. Mathew.—So the answer is that even the existence of the notes is confidential.

Sub-divisions (g), (h), (i) and (j). I ask whether a copy of the letter referred to in those sub-divisions be printed and placed on the table.

Mr. V. B. Vaidyanatha Ayyar.—They relate substantially to a matter for which answer has been given.

President.—What is the answer supplied?

Mr. V. B. Vaidyanatha Ayyar.—The answer which I just now read, viz., that Government did not find it necessary to place it on the table.

Mr. K. T. Mathew.—I am referring to a different letter which was written on 9th December.

President.—You proceed, I think, on the presumption that only confidential letters could not be placed on the table.

Mr. K. T. Mathew.—May I know the circumstances under which it could not be placed on the table?

President.—It was found not desirable to place it on the table. That reason must satisfy you in place of the specific reasons.

Mr. K. T. Mathew.—Then I think there is no specific reason for not placing it on the table?

President.—You mean that it should be placed on the table.

Mr. K. T. Mathew.—As the answer to my question, he quotes the answer to a previous question. There I do not find the reply to this question. I request the Hon'ble Member to point the particular part of that question referring to this.

Mr. V. B. Vaidyanatha Ayyar.—It is question No. 309 (d) of the last legislative session. Since that question has been answered, this question does not arise.

President.—That particular question and answer have reference to this letter?

Mr. V. B. Vaidyanatha Ayyar.—It is regarded that the answer to that question covers the answer to this question also.

Then, as regards the letter on the 9th December pointing out the irregularities alleged to have been committed by the Convener and the correspondence on the same, the Government said that it was not necessary to print it and place the same on the table.

Mr. K. T. Mathew.—(k). Whether any explanation was called for from the Member for Excise Revenue?

Mr. V. B. Vaidyanatha Ayyar.—No.

Mr. K. T. Mathew.—Why was it not called for?

Mr. V. B. Vaidyanatha Ayyar.—Government did not think it necessary to call for the explanation.

President.—These are all ready-made answers available to us at any time.

Mr. K. T. Mathew.—What action was taken by the Chairman of the Committee when it was brought to his notice?

Mr. V. B. Vaidyanatha Ayyar.—The Member is referred to answer to question No. 309 (d) to (f) of the last session.

Mr. K. T. Mathew.—I do not find anything there.

Mr. V. B. Vaidyanatha Ayyar.—What further action was taken by the Chairman on the communication must be known to the Member, since he is a Member of the Excise Committee. That is the answer given.

President.—I should say that would not be a proper answer. The answer now sought for is not for his information alone.

Mr. V. B. Vaidyanatha Ayyar.—I am sorry I have not understood the question correctly.

President.—Can you say what further action was taken by the Chairman in the matter? If you want notice to furnish the information on the matter, say that you want notice.

Mr. V. B. Vaidyanatha Ayyar.—What I say is that that question has been answered. So this is no supplementary question. For, the President once said that a question once answered cannot be asked again.

President.—Then the question is whether it was properly answered or not.

Mr. V. B. Vaidyanatha Ayyar.—Whether it is a proper answer or not, it is for you to decide.

President.—The Member may have personal knowledge of many things. But his object in putting the question is to bring those facts to the notice of the House through the Government. If you are not now in a position to give the facts, say you want notice.

Mr. K. T. Mathew.—I again ask what action the Chairman took in the matter?

Mr. V. B. Vaidyanatha Ayyar.—I want notice.

44. Mr. K. T. Mathew.—Will the Government be pleased to state:—

(a) whether the Superintendent of Excise has not been directed by the Diwan in his Proceedings appointing the Excise Committee to take necessary action, so that the Committee may begin work and submit their report as early as possible;

(b) whether one of the members of the Committee had not written on the 28th May 1926 to the Convener pointing out that there should be regular meetings of the Committee; and, if so, whether a copy of that letter be printed and placed on the table;

(c) whether a reply has been sent to it or the receipt of it has been acknowledged by the Convener; and, if not,

(d) why it was not so done; and if a reply has been sent,

(e) whether a copy of it will be placed on the table;

(f) whether a member of the Committee wrote on the 9th December 1926 to the Diwan of Cochin complaining that the Committee is not having regular meetings, that in the course of 9 months the Superintendent of Excise Revenue convened the Committee only once, and that the Superintendent of Excise Revenue does not care to acknowledge or reply letters addressed to him by the members of the Committee; and if so,

(g) whether a copy of that letter be printed and placed on the table;

(h) whether any explanation was called for by the Government from the Superintendent of Excise Revenue; and if not,

(i) what action was taken by the Chairman of the Committee in this matter when it was brought to his notice;

(j) whether the Chairman sent any reply to the member about the action taken by him in this matter; and if so, whether a copy of it will be printed and placed on the table;

(k) whether the Chairman informed the Government how the matter was disposed of by him, and if so, whether a copy of his letter be printed and placed on the table?

APPENDIX IV.

(Vide Answer to Question No. 43.)

I.

The Cochin Excise Committee.

Proceedings of the First Meeting held on Thursday, 14th Edavam
1101, (27th May 1926), in the Office of the Superin-
tendent of Excise Revenue, Ernakulam.

Present.

1. M. R. Ry V. K. Kochunni Menon Avl., B. A. & B. L., President
2. „ T. K. Krishna Menon Avl., B. A.
3. „ Mirayil Krishna Menon, Avl. B. A.
4. „ K. T. Mathew Avl., B. A. & B. L.
5. „ V. B. Vaidyanatha Ayyar Avl., B. A. & B. L., Superin-
tendent of Excise Revenue.

After a general discussion about the terms of reference and other matters it was resolved to request the Convener of the Committee to prepare a memorandum generally on the following lines to form the basis of discussion before the report is prepared and submitted to the Government.

- (a) Our goal too should be to work up to prohibition.
- (b) To suggest ways and means to realise that ideal.

Copies of the memorandum are to be circulated among the members of the Committee sufficiently early before the date of next meeting, which shall be in Kanni next.

The Convener is also requested to circulate among the members the reports of the Travancore, Madras and Bombay Excise Committees.

(Sd.) President.

II.

Proceedings of the meeting of the Excise Committee held on Monday,
4th Makaram 1102, (17th January 1927), in the Office of
the Superintendent of Excise Revenue,
Ernakulam.

Present.

1. M. R. Ry. V. K. Kochunni Menon Avl., B. A. & B. L., President.
2. „ V. B. Vaidyanatha Ayyar Avl., B. A. & B. L., Super-
intendent of Excise Revenue.
3. „ M. Krishna Menon Avl., B. A., Chief Court Vakil.
4. „ T. K. Krishna Menon Avl., B. A., Secretary, Cochin
Legislative Council.
5. „ M. K. Raman Avl., M. A. & B. L., Chief Court Vakil.

Resolved:

- (1) that the memorandum prepared by the Convener be made the basis of the report of this Committee;
- (2) that a copy of the report, when ready, be sent to each member of the Committee;
- (3) that each member will kindly send up his suggestions as to additions, consistent with the memorandum, necessary to be made in the report to the Convener a week after the receipt of his copy;
- (4) that copies of such suggestions will be sent to the other members a week before the date of the next meeting which will be convened to pass the report;
- (5) that the next meeting of the committee shall be held on some day towards the close of Kumbham.

(Sd.) President.